

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Daniel Thomas,

Civil No. 11-2348 (RHK/TNL)

Plaintiff,

**ORDER**

v.

State of MN,

Defendant.

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Based upon the undersigned's de novo review of the April 16, 2012, Report and Recommendation of United States Magistrate Judge Tony N. Leung, together with all the files, records, and proceedings herein, **IT IS ORDERED:**

1. Plaintiff's Objection (Doc. No. 11) is **OVERRULED**;
2. The Report and Recommendation (Doc. No. 10) is **ADOPTED**;
3. The Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (Doc. No. 1) is **DENIED**;
4. The Court **DECLINES** to issue a Certificate of Appealability; and
5. This action is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCODINGLY.**

Dated: June 18, 2012

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge